

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FILED  
IN CLERKS OFFICE

2005 JAN 20 A 11:23

U.S. DISTRICT COURT  
DISTRICT OF MASS.

-----X  
THE CITY OF NEW YORK :  
 :  
 :  
 Plaintiff, : 04 CV 12264 PBS  
 :  
 :  
 - against - :  
 :  
 :  
 ABBOTT LABORATORIES, INC., :  
 ALCON LABORATORIES, INC., :  
 ALLERGAN, INC., ALPHAMARA INC., :  
 et al. :  
 :  
 :  
 Defendants. :  
-----X

**AFFIDAVITS OF SERVICE**

KIRBY McCINERNEY & SQUIRE LLP  
830 Third Avenue, 10<sup>th</sup> Floor  
New York, NY 10022  
(212) 371-6600

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

THE CITY OF NEW YORK

**ECF CASE**

**SUMMONS IN A CIVIL CASE**

**V.**

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHARMA INC., et al.  
(SEE ATTACHED)

CASE NUMBER:

**04 CV 06054**

TO: (Name and address of defendant)

**JUDGE JONES**

(SEE ATTACHED)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Roger W. Kirby, Joanne M. Cicala &  
Aaron Hovan, Esq  
Kirby McInemey & Squire, LLP.  
830 Third Avenue, 10 Floor  
New York, New York 10022  
(212) 371-6600

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**AUG 04 2004**

CLERK

*Jessica Ross*

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>		DATE
NAME OF SERVER (PRINT)		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 0;"> <div style="text-align: center;">Date</div> <div>Signature of Server _____</div> </div> <div style="text-align: center; margin-top: 20px;">Address of Server _____</div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**DEFENDANT**

**COUNTY**

ABBOTT LABORATORIES, INC.  
100 Abbott Park Road  
Abbott Park, Illinois

Lake County

ALCON LABORATORIES, INC.  
6201 S. Freeway (T1-3)  
Fort Worth, TX, 76115

Tarrant County & Denton County

ALLERGAN, INC.  
2525 Dupont Drive  
Irvine, CA 92612

Orange County

ALPHARMA, INC.  
One Executive Drive  
Fort Lee, NJ 07024

Bergen County

AMGEN, INC.  
One Amgen Drive  
Thousand Oaks, CA 91320-1799

Ventura County

ANDRX CORP.  
4955 Orange Drive  
Davie, FL 33314

Broward County

ASTRAZENECA  
1800 Concord Pike  
Wilmington, DE 19850-5437

New Castle County

AVENTIS PHARMACEUTICALS INC.  
300-400 Somerset Corporate Boulevard  
Bridgewater, NJ 08807-2854

Somerset County

BARR LABORATORIES, INC.  
2 Quaker Road  
P.O. Box 2900  
Pomona, NY 10970-0519

Rockland County

BAYER CORP.  
100 Bayer Road  
Crafton, PA 15205-9741

Allegheny County

BEN VENUE LABORATORIES, INC.  
300 Northfield Road  
Bedford, OH 44146

Cuyahoga County

**DEFENDANT**

**COUNTY**

BIOVAIL PHARMACEUTICALS, INC.  
7150 Mississauga Road  
Mississauga, Ontario  
CANADA L5N 8M5

BOEHRINGER INGELHEIM CORP.  
P.O. Box 368  
900 Ridgebury Rd.  
Ridgefield, CT 06877

Fairfield County

BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.  
P.O. Box 368  
900 Ridgebury Rd.  
Ridgefield, CT 06877

Fairfield County

BRISTOL-MYERS SQUIBB COMPANY  
345 Park Avenue  
New York, NY 10154-0037

Manhattan County

DERMIK LABORATORIES, INC.  
1050 Westlakes Drive  
Berwyn, PA 19312

Chester County

DEY INC.  
2751 Napa Valley Corporate Drive  
Napa, CA 94558

Napa County

EISAI, INC.  
500 Frank W. Burr Boulevard  
Teaneck, NJ 07666

Bergen County

ELI LILLY AND COMPANY  
Lilly Corporate Center  
Indianapolis, IN 46285

Marion County

ENDO PHARMACEUTICALS, INC.  
100 Painters Drive  
Chadds Ford, PA 19317

Delaware County

**DEFENDANT**

ETHEX CORP.  
10888 Metro Court  
St. Louis, MO

Listed as:  
Maryland Heights, MO 63043 in St. Louis City

FOREST LABORATORIES, INC.  
909 Third Ave  
New York, NY 10022

FOREST PHARMACEUTICALS, INC.  
13600 Shoreline Drive  
St. Louis, MS 63045

FUJISAWA HEALTHCARE, INC.  
Three Parkway North  
Deerfield, IL 60015

FUJISAWA USA, INC.  
Three Parkway North  
Deerfield, IL 60015

GENZYME CORP.  
500 Kendall Street  
Cambridge, MA 02142

GILEAD SCIENCES, INC.  
333 Lakeside Drive  
Foster City, CA, 94404

GLAXOSMITHKLINE PLC  
980 Great West Road  
Brentford, Middlesex, EN  
TW8 9 U.K

HOFFMAN-LA ROCHE, INC.  
340 Kingsland Street  
Nutley, NJ 07110-1199

IMMUNEX CORP.  
51 University Street  
Seattle, WA 98101

**COUNTY**

St. Louis County & St. Louis City

Manhattan County

St. Louis County & St. Louis City

Lake County

Lake County

Middlesex County

San Mateo County

Essex County

King County

**DEFENDANT**

**COUNTY**

IVAX CORP.  
4400 Biscayne Blvd.  
Miami, FL 33137

Miami-Dade County

IVAX PHARMACEUTICALS, INC.  
4400 Biscayne Blvd.  
Miami, FL 33137

Miami-Dade County

JANSSEN PHARMACEUTICA PRODUCTS LP  
1125 Trenton-Harbourton Road  
Titusville, NJ 08560

Mercer County

JOHNSON & JOHNSON  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933

Middlesex County

KING PHARMACEUTICALS, INC.  
501 Fifth St.  
Bristol, TN 37620

Sullivan County

MCNEIL-PPC, INC.  
7050 Camp Hill Road  
Fort Washington, PA 19034

Montgomery County

MEDIMMUNE, INC.  
One Medimmune Way  
Gaithersburg, MD 20878

Montgomery County

MERCK & CO., INC.  
One Merck Drive  
P.O. Box 100  
Whitehouse Station, NJ 08889-0100

Hunterdon County

MONARCH PHARMACEUTICALS, INC.  
501 Fifth Street  
Bristol, TN 37620

Sullivan County

MYLAN LABORATORIES, INC.  
1500 Corporate Drive  
Suite 400  
Canonsburg, PA 15317

Washington County

**DEFENDANT**

**COUNTY**

MYLAN PHARMACEUTICALS, INC.  
1500 Corporate Drive  
Suite 400  
Canonsburg, PA 15317

Washington County

NOVARTIS PHARMACEUTICALS CORP.  
One Health Plaza  
East Hanover, NJ 07936

Morris County

NOVO NORDISK  
100 College Road West  
Princeton, NJ 08540

Mercer County

ONCOLOGY THERAPEUTICS NETWORK CORP  
395 Oyster Point Boulevard  
Suite 405  
South San Francisco, CA 94080

San Mateo County

ORGANON USA  
56 Livingston Ave.  
Roseland, NJ 07068

Essex County

ORTHO BIOTECH PRODUCTS LP  
700 U.S. Highway 202  
Raritan, NJ 08869

Somerset County

ORTHO-MCNEIL PHARMACEUTICAL, INC.  
1000 U.S. Route 202 South  
Raritan, NJ 08869

Somerset County

PAR PHARMACEUTICAL, INC.  
One Ram Ridge Road  
Spring Valley, NY 10977

Rockland County

PURDUE PHARMA, L.P.  
One Stamford Forum  
201 Tresser Boulevard  
Stamford, CT

Fairfield County

PUREPAC PHARMACEUTICAL CO.  
14 Commerce Drive  
Suite 301  
Cranford, NJ 07016

Union County



**DEFENDANT**

**COUNTY**

RELIANT PHARMACEUTICALS  
721 Route 202/206  
Bridgewater, NJ 08807

Somerset County

ROCHE LABS  
340 Kingsland Street  
Nutley, NJ 07110-1199

Essex County

ROXANE LABORATORIES, INC.  
1809 Wilson Rd.  
Columbus, OH 43228

Franklin County

SANDOZ, INC.  
506 Carnegie Center  
Suite 400  
Princeton, NJ 08540

Mercer County

SANOFI-SYNTHELABO, INC.  
90 Park Avenue  
New York, NY 10016

Manhattan County

SCHEIN PHARMACEUTICAL, INC.  
311 Bonnie Circle  
Corona, CA 92880

Riverside County

SCHERING-PLOUGH CORP.  
2000 Galloping Hill Rd.  
Kenilworth, NJ 07033

Union County

SERONO, INC.  
One Technology Place  
Rockland, MA 02370

Plymouth County

SMITHKLINEBEECHAM CORP. d/b/a  
GLAXOSMITHKLINE  
980 Great West Road  
Brentford, Middlesex, EN  
TW8 9 U.K

TAKEDA PHARMACEUTICALS NORTH  
AMERICA, INC.  
475 Half Day Road  
Suite 500  
Lincolnshire, IL 60069

Lake County

**DEFENDANT**

**COUNTY**

TAP PHARMACEUTICAL PRODUCTS, INC.  
675 North Field Drive  
Lake Forest, IL 60045

Lake County

TEVA PHARMACEUTICAL INDUSTRIES LTD.  
1090 Horsham Rd.  
P.O. Box 1090  
North Wales, PA 19454

Montgomery County

UDL LABORATORIES, INC.  
1500 Corporate Drive  
Suite 400  
Canonsburg, PA 15317

Washington County

WARRICK PHARMACEUTICALS LTD  
12125 Moya Boulevard  
Reno, NV 89506

Washoe County

WATSON PHARMACEUTICALS, INC.  
311 Bonnie Circle  
Corona, CA 92880

Riverside County

WATSON PHARMA, INC.  
311 Bonnie Circle  
Corona, CA 92880

Riverside County

WYETH  
Five Giralda Farms  
Madison, NJ 07940

Morris County

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHAMARA INC., et al.

Defendants.


X

04 CV 6054 (BSJ)

## ACCEPTANCE OF SERVICE

I, Robert Stauffer, Esq., attorney for defendant **Takeda Pharmaceuticals North America** (hereinafter "**Takeda**"), in the above-captioned matter, hereby accept service of the Summons and Complaint in this action in conjunction with: 1) the Stipulation to Extend Time to Answer or Respond Otherwise entered into between the plaintiff the City of New York and **Takeda** on September 1, 2004; and, 2) the understanding that upon the filing of an amended complaint the time for **Takeda** to answer or otherwise respond shall be extended to a reasonable date to be agreed upon between the parties.

Date: Dec. 10, 2005

  
Robert R. Stauffer, Esq.  
Jenner & Block LLP  
One IBM Plaza  
Suite 4400  
Chicago, IL 60611

Attorney for Defendants **Takeda Pharmaceuticals, Inc.** North America, Inc.

THE CITY OF NEW YORK

Plaintiff(s), Petitioner(s)

against

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLEGRAN, INC., ALPHARMA,  
INC., ET AL

Defendant(s), Respondent(s)

CLIENT: Preemptive Process Servers, Inc.

INDEX NO.: 04 cv 06054

DATE OF FILING: 8/4/2004

**AFFIDAVIT OF SERVICE**

STATE OF CONNECTICUT: COUNTY OF HARTFORD

I, Rich Zechiel being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in Manchester, CT.

Furthermore, that on **December 3, 2004 at 1:45 PM** at **c/o CT Corporation Systems, One Commercial Plaza, Hartford, CT 06103**, deponent served the **Summons In A Civil Action; Complaint With Jury Trial Demand** upon **Boehringer Ingelheim Pharmaceuticals, Inc.**, (Defendant/Respondent) herein known as Recipient.


Said service was effected in the following manner:

By delivering to and leaving a true copy of each **Summons In A Civil Action; Complaint With Jury Trial Demand** with **Theresa St. Amand** a person who is known to be the **Information Specialist** of said corporation and/or company, and who is authorized by said corporation and/or company to receive said **Summons In A Civil Action; Complaint With Jury Trial Demand**.

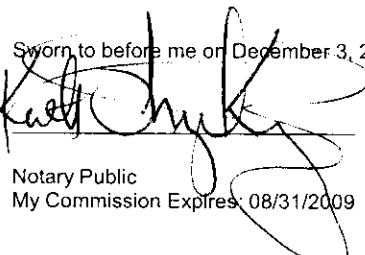
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

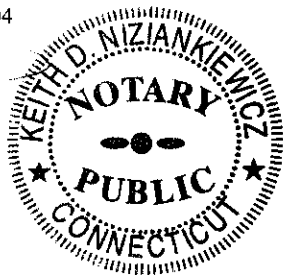
Sex: **Female** Skin: **White** Hair: **Brown** Age(Approx): **36-50** Height(Approx): **5'0" - 5'3"** Weight(Approx): **100-130 lbs**  
Other:

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Rich Zechiel, Private Process Server

Sworn to before me on December 3, 2004

  
Notary Public  
My Commission Expires: 08/31/2009



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE CITY OF NEW YORK

Index No. 04 CV 06054

Plaintiff

V.

ABOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHARMA INC., et. al.

Defendants

STATE OF MISSOURI)

COUNTY )

) ss.:  
)

JOHN J. ROTH, being duly sworn deposes and says that:

deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Missouri.

On THURSDAY, December 2, 2004 approximately 12:15 P.m. at  
(address served) 13600 SHORELINE DR., ST. LOUIS, MO. 63045,  
deponent served the within Summons in a Civil Case and Complaint upon Forest  
Pharmaceuticals, Inc., by delivering to and leaving with  
name) VINCENT STRAUSS,  
(title) MANAGER / PERSON-IN-CHARGE, a true and correct copy of said document. At the  
time of said service, (name of person served) VINCENT STRAUSS stated  
that (s)he was duly authorized to accept service of legal process on behalf of Forest  
Pharmaceuticals, Inc.

(name of person served) VINCENT STRAUSS is described as a  
(fe)male, approximately 30 years of age, 170 lbs., 5'10"  
tall, with BROWN hair and



DONNA LEE SMITH

St. Louis County

My Commission Expires

December 3, 2006  
Sworn to before me this  
2 day of December, 2004

Donna Lee Smith  
Notary Public

(server) [Signature]

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

THE CITY OF NEW YORK

**ECF CASE**

**SUMMONS IN A CIVIL CASE**

**V.**

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHARMA INC., et al.  
(SEE ATTACHED)

CASE NUMBER:

**04 CV 06054**

TO: (Name and address of defendant)

**JUDGE JONES**

(SEE ATTACHED)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Roger W. Kirby, Joanne M. Cicala &  
Aaron Hovan, Esq  
Kirby McInemey & Squire, LLP.  
830 Third Avenue, 10 Floor  
New York, New York 10022  
(212) 371-6600

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**AUG 04, 2004**

CLERK

*Jessica Rose*

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE CITY OF NEW YORK,

Plaintiff,

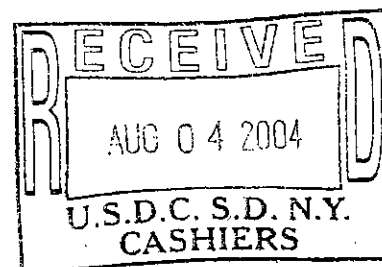
v.

JUDGE JONES

INDEX No.

04 CV 06054

JURY TRIAL  
REQUESTED



ABBOTT LABORATORIES, INC., ALCON LABORATORIES, INC., ALLERGAN, INC., ALPHARMA, INC., AMGEN, INC., ANDRX CORP., ASTRAZENECA PHARMACEUTICALS L.P., AVENTIS PHARMACEUTICALS INC., BARR LABORATORIES, INC., BAYER CORP., BEN VENUE LABORATORIES, INC., BIOVAIL PHARMACEUTICALS, INC., BOEHRINGER INGELHEIM CORP., BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., BRISTOL-MYERS SQUIBB COMPANY, DERMIK LABORATORIES, INC., DEY INC., EISAI, INC., ELI LILLY AND COMPANY, ENDO PHARMACEUTICALS, INC., ETHEX CORP., FOREST LABORATORIES, INC., FOREST PHARMACEUTICALS, INC., FUJISAWA HEALTHCARE, INC., FUJISAWA USA, INC., GENZYME CORP., GILEAD SCIENCES, INC., GLAXOSMITHKLINE PLC, HOFFMAN-LA ROCHE, INC., IMMUNEX CORP., IVAX CORP., IVAX PHARMACEUTICALS, INC., JANSSEN PHARMACEUTICA PRODUCTS, LP, JOHNSON & JOHNSON, MCNEIL-PPC, INC., KING PHARMACEUTICALS, INC., MEDIMMUNE, INC., MERCK & CO., INC., MONARCH PHARMACEUTICALS, INC., MYLAN LABORATORIES, INC., MYLAN PHARMACEUTICALS, INC., NOVARTIS PHARMACEUTICALS CORP., NOVO NORDISK PHARMACEUTICALS, INC., ONCOLOGY THERAPEUTICS NETWORK CORP., ORGANON USA, ORTHO BIOTECH PRODUCTS LP, ORTHO-MCNEIL PHARMACEUTICAL, INC., PAR PHARMACEUTICAL, INC., PURDUE PHARMACEUTICALS, L.P., PUREPAC PHARMACEUTICAL CO., RELIANT PHARMACEUTICALS, ROCHE LABS, ROXANE LABORATORIES, INC., SANDOZ, INC., SANOFI-SYNTHELABO, INC., SCHERING-PLOUGH CORP., SERONO, INC., SMITHKLINEBEECHAM CORP. d/b/a GLAXOSMITHKLINE, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAP PHARMACEUTICAL PRODUCTS, INC., TEVA PHARMACEUTICAL INDUSTRIES, LTD., UDL LABORATORIES, INC., WARRICK PHARMACEUTICALS CORP., WATSON PHARMACEUTICALS, INC., WATSON PHARMA, INC., and WYETH.

Defendants.

COMPLAINT

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHAMARA INC., et al.

Defendants.

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x

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x

04 CV 6054 (BSJ)

**ACCEPTANCE OF SERVICE**

I, Toni-Ann Citera, Esq., attorney for defendant **Abbott Laboratories, Inc.**, in  
the above-captioned matter, hereby accept service of the Summons and Complaint in this  
action.

Date:

8/20/04

---

Toni-Ann Citera, Esq.

Jones Day

222 East 41<sup>st</sup> Street

New York, NY 10017-6702

*Attorney for Defendants Abbott Laboratories, Inc.*



**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHAMARA INC., et al.

Defendants.

04 CV 6054 (BSJ)

### ACCEPTANCE OF SERVICE

I, Joseph H. Young, Esq., attorney for defendant Amgen Inc. in the above-captioned matter, hereby accept service of the Summons and Complaint in this action.

Date:

Joseph H. Young, Esq.  
Hogan & Hartson, LLP  
111 S. Calvert Street, Suite 1600  
Baltimore, MD 21202  
410-659-2700 (phone)  
410-539-6981 (fax)

*Attorney for Defendant Amgen Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHAMARA INC., et al.

Defendants.

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x

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04 CV 6054 (BSJ)

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x

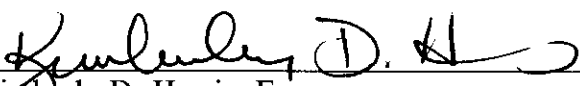
**ACCEPTANCE OF SERVICE**

I, Kimberly D. Harris, Esq., attorney for defendant **Astrazeneca**

**Pharmaceuticals, L.P.** in the above-captioned matter, hereby accept service of the Summons and Complaint in this action.

Date:

9/9/04



Kimberly D. Harris, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Attorney for Defendant  
Astrazeneca Pharmaceuticals, L.P.

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. ALLERGAN, INC.,  
ALPHAMARA INC., et al

Defendants.

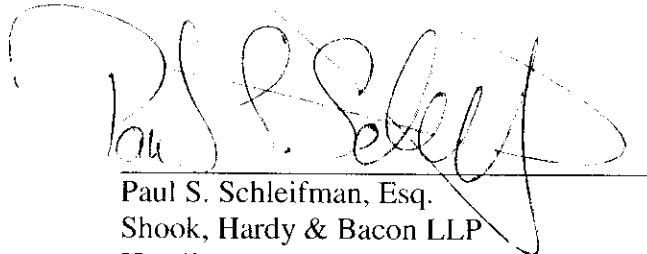
04 CV 6054 (BSJ)

**ACCEPTANCE OF SERVICE**

I, Paul S. Schleifman, Esq. Attorney for defendant **Aventis Pharmaceuticals Inc.**  
and **Dermik Laboratories, Inc.**, in the above-captioned matter, without waiving any of  
their rights and defenses, hereby accept service of the Summons and Complaint in this  
action.

8/23/04

Date



Paul S. Schleifman, Esq.  
Shook, Hardy & Bacon LLP  
Hamilton Square  
600 14<sup>th</sup> Street, NW, Suite 800  
Washington, D.C. 20005-2004

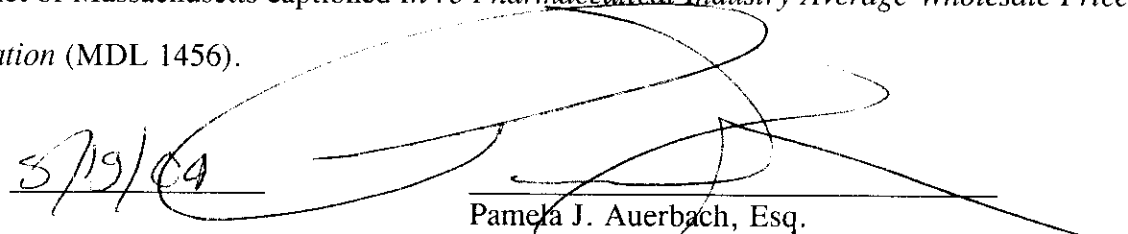
*Attorney for Defendants  
Aventis Pharmaceuticals Inc.  
and Dermik Laboratories, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK	x	
	:	
Plaintiff,	:	
	:	04 CV 6054 (BSJ)
- against -	:	
	:	
ABBOTT LABORATORIES, INC., ALCON	:	
LABORATORIES, INC., ALLERGAN,	:	
INC., ALPHAMARA INC., et al.	:	<u><b>ACCEPTANCE OF SERVICE</b></u>
	:	
Defendants.	x	

I, Pamela J. Auerbach, attorney for defendant **Barr Laboratories, Inc.** in the above-captioned matter, hereby accept service of the Summons and Complaint in this action in conjunction with agreement by plaintiff the City of New York that **Barr Laboratories, Inc.**'s time to answer or otherwise respond shall be extended to a date to be agreed upon between defendants and plaintiff, which date shall be between 30-60 days after the ruling on the motion to dismiss the Suffolk Amended Complaint in the litigation pending before Judge Saris in the District of Massachusetts captioned *In re Pharmaceutical Industry Average Wholesale Price Litigation* (MDL 1456).

Date: 3/19/04

  
\_\_\_\_\_  
Pamela J. Auerbach, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Suite 1200  
Washington D.C. 20005

*Attorney for Defendant Barr Laboratories, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

THE CITY OF NEW YORK

Plaintiff,

- against -

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC., ALLERGAN, INC.,  
ALPHAMARA INC., et al.

Defendants.

---

x

:

:

04 CV 6054 (BSJ)

:

:

:

:

:

**ACCEPTANCE OF SERVICE**

:

:

x

I, Richard D. Raskin, Esq., attorney for defendant **Bayer Corporation**, in the  
above-captioned matter, hereby accept service of the Summons and Complaint in this action.

Date: \_\_\_\_\_

9-2-04

Richard D. Raskin  
Richard D. Raskin, Esq.

Sidley, Austin, Brown & Wood LLP  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603

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